

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

RIO TINTO PLC, RIO TINTO LIMITED,
THOMAS ALBANESE, and GUY ROBERT
ELLIOTT,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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17 Civ. 7994 (AT) (VF)

ORDER

On September 9, 2022, the Second Circuit issued a mandate affirming the Court's March 3, 2021 Order, ECF No. 213. ECF No. 291. By **October 14, 2022**, the parties shall file a joint letter of no more than ten pages addressing whether the Second Circuit's decision in *Securities and Exchange Commission v. Rio Tinto PLC et al.*, No. 21-2042 (2d Cir. July 15, 2022) affects Defendants' motion for summary judgment, ECF No. 238, and the parties' motions to exclude expert testimony, ECF Nos. 222, 225. In particular, the parties are directed to address whether Plaintiff waived certain of its claims against Defendants Albanese and Elliott through its interlocutory appeal. ECF Nos. 239 at 61 n.29; 258 at 61 n.26.

Accordingly, the Court's decision on Defendants' motion for summary judgment and the parties' motions to exclude expert testimony is HELD IN ABEYANCE.

The Clerk of Court is directed to terminate the motions at ECF Nos. 222, 225, and 238.

SO ORDERED.

Dated: September 15, 2022
New York, New York



ANALISA TORRES
United States District Judge